

Application No. 10/785,531
Response to Office Action

SEP 06 2006
Customer No. 01933

R E M A R K S

Entry of this Amendment and reconsideration of this application as amended are respectfully requested.

Claims 1-25 and new claims 39-51 are pending in this application. Claims 26-38 are cancelled. Claims 3, 6-12, 14, 15 and 22-24 are withdrawn from consideration.

Claims 1, 5 and 16-20 are amended. Unless an argument is made below in support of the patentability of each of these claims over cited prior art in view of changes to the claim, the changes do not relate to patentability.

ELECTION/RESTRICTION

In response to the earlier restriction and election of species requirements, claims 26-38, drawn to non-elected embodiments, are canceled without prejudice to filing a divisional application directed to the subject matter of these claims.

Claims 3, 6-12, 14, 15, 22-24, also directed to non-elected embodiments, remain in the application and it is respectfully submitted that if claim 1 is deemed allowable, claims 3, 6-12, 14, 15 and 22-24 should be considered for rejoinder (see MPEP 821.04).

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DRAWINGS

The drawings are objected to on the grounds that locking means on both the engagement portions is not shown.

It is respectfully pointed out that the embodiments shown in Figs. 9 and 10 include locking structure 24 on both sets of conduit engagement portions 68 and 74, 70 and 76 (see the specification at page 28, lines 15-17). The specification discloses use of a double locking structure on other embodiments at page 35, lines 22 to page 36, line 3.

In view of the foregoing, removal of the Examiner's objection to the drawings is respectfully requested.

SPECIFICATION

The Abstract is amended to remove the typographical error noted by the Examiner and a replacement Abstract is provided.

Other changes are made to the specification and because these changes are supported by the original specification or drawings, these changes do not introduce new matter into the application.

CLAIM OBJECTIONS

Claims 1 and 20 are amended to remove the informalities noted by the Examiner and thereby overcome the objection to claims 1, 2, 4, 5, 13, 16-21 and 25.

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DOUBLE PATENTING

Claim 1 is provisionally rejected under 35 USC 101 as claiming the same invention as that of claim 1 of co-pending U.S. patent application Ser. No. 10/839,898.

The Examiner is respectfully requested to reconsider this rejection in view of changes to claim 1, and to otherwise hold this rejection in abeyance until such time as a patent issues from the '898 application.

CLAIM REJECTIONS

Claims 1, 2, 5, 13, 21 and 25 are rejected as being anticipated by Filippi (USP 4,008,937). Claim 4 is rejected as being obvious over Filippi in view of Martin (USP 5,351,996). Claims 16-20 are rejected as being obvious over Filippi in view of McGowen et al. (USP 4,142,743).

The Examiner's rejection is respectfully traversed in view of changes to claim 1.

Claim 1 now includes, *inter alia*, the feature of a pair of semi-cylindrical members including a first engagement portion adapted to engage with a first tubular component and a second engagement portion adapted to engage with a second tubular component with "only one of said semi-cylindrical members including an extension portion contiguous with said first engagement portion and extending axially outward from said first

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engagement portion in a direction away from said second engagement portion to thereby provide said semi-cylindrical member with a larger axial length than the other of said semi-cylindrical members which lacks an extension portion". As such, the first tubular component is bendable away from the extension portion.

As shown in Fig. 7A, only semi-cylindrical member 44 includes an extension portion 58 which extends axially outward from conduit engagement portion 54 in a direction away from vent engagement portion 52 (to the right in Fig. 7A, wherein the vent engagement portion is to the left of the conduit engagement portion 54) such that the axial length of semi-cylindrical member 44 is larger than the axial length of semi-cylindrical member 42. A conduit 6 is therefore bendable away from the extension portion 58 (see Fig. 8).

The cited prior art does not disclose, teach or suggest a connector for tubular components having the structure now set forth in claim 1.

Filippi shows a coupling assembly with a locking mechanism 38 for locking coupling halves 41, 42 together.

In the Office Action on page 7, the Examiner took a position that an axially oriented extension 60a of one of the coupling halves 41, 42 is contiguous with the first engagement portion. However, extension 60a, referred to as a lip, overlies an outer,

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peripheral surface 58 of the coupling halves 41, 42 to define a groove 64 between the extension 60a and the outer surface (see col. 6, lines 49-53). Extension 60a does not extend axially outward from one tubular component engagement portion in a direction away from another tubular component engagement portion to thereby provide one of the coupling halves 41, 42, with a larger axial length than the other coupling half 41, 42.

Rather, in contrast to the claimed embodiment of the invention, coupling halves 41, 42 have the same axial length.

Martin shows a connector, i.e., a casing neck, with a living hinge 28 connecting half shells 27a, 27b together (Fig. 3). A description of the axial dimension of half shells 27a, 27b is not provided.

McGowen et al. shows a clamping device 10 made of a band 11 of material having parallel sides 12 and 13. Thus, clamping device 10 has a uniform axial length.

In view of the changes to claim 1 and the arguments presented above, it is respectfully submitted that claim 1 patentably distinguishes over Filippi under 35 USC 102 and over Filippi in combination with Martin or McGowen et al. under 35 USC 103.

Claims 2, 4, 5, 13, 16-21 and 25, which are either directly or indirectly dependent on claim 1, are patentable over Filippi alone or in combination with Martin or McGowen et al. in view of

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their dependence on claim 1 and because Martin and McGowen et al. do not disclose, teach or suggest all of the limitations recited in the dependent claims.

In view of the foregoing, applicant respectfully requests withdrawal of the rejections of claims 1, 2, 4, 5, 13, 16-21 and 25 under 35 USC 102(b) and 35 USC 103(a).

NEW CLAIMS

Claims 39-51 are added and all are directed to the elected embodiment. Claims 39-51 are patentable over the applied references for the following reasons:

Claims 39-44 depend directly or indirectly from claim 1 and are directed to additional features of the embodiment of the invention set forth therein. For the same reasons that claim 1 should be patentable over the applied references, claims 39-51 should also be patentable over the applied references.

Claim 45 is a second independent claim which includes features of original claims 1 and 5. Claims 46-49 depend from claim 45 and set forth additional features of the embodiment of the invention set forth therein. Claims 45-49 are patentable over the applied references because the applied references do not disclose all of the features set forth in claim 45, for example, those relating to the feature of the locking means.

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Claim 50 is a third independent claim which includes features of original claims 1 and 13. Claim 51 depends from claim 50 and sets forth additional features of the embodiment of the invention set forth therein. Claims 50 and 51 are patentable over the applied references because the applied references do not disclose all of the features set forth in claim 50, for example, those relating to the feature of the locking flanges.

AUTHORIZATION TO CHARGE FEE

The application was originally filed with 38 claims, and the appropriate claim fee was paid for such claims. In view of the cancellation of claims 26-38 and presentation of claims 39-51, the application now contains the same number of claims, and three independent claims. Accordingly, no fee is due for the presentation of claims 39-51. Nevertheless, if any fees are determined to be required for the presentation of claims 39-51 or entry of this Amendment, authorization is hereby given to charge any such fees to Deposit Account No. 06-1378.

INTERVIEW REQUEST

Applicant hereby respectfully requests that the Examiner contact the undersigned upon his review of the Amendment to ascertain whether it is possible to expedite the prosecution of this application.

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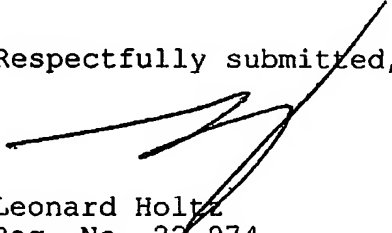
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In view of the foregoing, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Leonard Holtz
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